

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

De-Aunteze Lavion Bobo,

Petitioner,

v.

ORDER

Civil No. 10-3296(MJD/LIB)

Bruce Reiser, Warden,

Respondent.

The above-entitled matter comes before the Court upon Petitioner's objection to the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois dated September 3, 2010.

In his objection, Petitioner raises the issue of whether this Court can stay his federal habeas petition to allow him to exhaust certain claims in state court pursuant to Rhines v. Weber, 125 S. Ct. 1528 (2005). Neither the Magistrate Judge, nor the Respondent in its response to Petitioner's objection, discussed the Rhines decision. Accordingly,

IT IS HEREBY ORDERED that the Respondent submit to the Court within thirty (30) days of the date of this Order a substantive response to Petitioner's

request to stay this matter pursuant to the Rhines.

Date: November 10, 2010

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court

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